



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Wisconsin Public Service  
Corporation (WPSC) – JP Pulliam Plant, Air  
Pollution Control Construction Permit No.  
13-DMM-177

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Case No. DNR-14-040

**NOTICE OF TELEPHONE PREHEARING CONFERENCE**

The Wisconsin Public Service Corporation – JP Pulliam Plant, 1501 Bylsby Avenue, Green Bay, Wisconsin, submitted to the Department of Natural Resources (DNR) a permit application, including plans and specifications for an air pollution control construction permit.

On March 3, 2014, the DNR made a Preliminary Determination to approve Air Pollution Control Operation Permit No. 13-DMM-177. A public notice of Draft Air Pollution Control Construction Permit No. 13-DMM-177 was published on March 10, 2014.

The DNR received comments from the Sierra Club and Midwest Environmental Defense Center on Draft Air Pollution Control Construction Permit No. 13-DMM-177.

On May 27, 2014, the DNR issued Final Air Pollution Control Construction Permit No. 13-DMM-177 to the Wisconsin Public Service Corporation – JP Pulliam Plant.

On June 13, 2014, the DNR received a Petition for Contested Case Hearing from Attorney David Bender on behalf of the Sierra Club and the Midwest Environmental Defense Center. By letter dated July 3, 2014, the DNR granted the request for a hearing pursuant to Wis. Stat. §§ 285.81(2) and 227.42 and limited the hearing to the following:

- a. In response to section (7)(a) of your June 13, 2014 petition, as to whether the Department properly determined that emissions of particulate matter will not increase from boilers B26 and B27, your request for a contested case hearing is granted.
- b. In response to section (7)(b) of your June 13, 2014 petition, as to whether the Department established sufficient monitoring and other permit requirements necessary to ensure that emissions of particulate matter from boilers B26 and B27 will not increase, your request for a contested case hearing is granted.
- c. In response to section (7)(c) of your June 13, 2014 petition, as to whether the Department properly determined that emissions of particulate matter from point

sources, material handling, and fugitive sources would not cause or contribute to a violation of ambient air quality standards or increment, your request for a contested case hearing is granted.

- d. In response to section (7)(d) of your June 13, 2014 petition, as to whether the factors that the Department considered in determining the fugitive and material handling impacts on ambient air quality was an appropriate exercise of agency authority, your request for a contested case hearing is granted.
- e. In response to section (7)(e) of your June 13, 2014 petition, as to whether the assumed control efficiencies for fugitive and material handling emissions are reasonable, your request for a contested case hearing is granted.
- f. In response to section (7)(f) of your June 13, 2014 petition, as to whether the ash samples from current plant operation are representative of ash properties after installation of a sorbent injection system, your request for a contested case hearing is granted.
- g. In response to section (7)(g) of your June 13, 2014 petition, as to whether the Department's use of significant impact levels to determine that the Pulliam Plant will not cause or contribute to a violation of PM10 ambient air quality standards or increments was reasonable and lawful, your request for a contested case hearing is granted.
- h. In response to section (7)(h) of your June 13, 2014 petition, as to whether the monitoring required in the permit is sufficient to ensure fugitive and material handling emissions do not exceed particulate matter ambient air quality standards, your request for a contested case hearing is granted.

On December 3, 2014, the DNR filed a Request for Hearing with the Division of Hearings and Appeals.

NOTICE IS HEREBY GIVEN that pursuant to Wis. Stat. §§ 285, 285.81 and 227.42 and Wis. Admin. Code chs. NR 400-499, the State of Wisconsin Division of Hearings and Appeals will initiate a telephone prehearing conference in regard to the above matter on **Thursday, January 21, 2015, at 10:00 a.m.** Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. To so participate, said persons must write to the Division of Hearings and Appeals in care of the undersigned and indicate a phone number where they can be reached at the above mentioned time. If necessary, the purpose of the prehearing conference will be to identify parties to the proceeding, to simplify the issues which may be contested at the hearing, establish a discovery schedule and set a date for hearing. No testimony will be heard at the prehearing conference; however, a date may be set for the hearing on the merits at the conference.

When the hearing is held it will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a), and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of your scheduled prehearing or hearing.

Dated at Madison, Wisconsin on December 10, 2014.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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By: \_\_\_\_\_  
Jeffrey D. Boldt  
Administrative Law Judge